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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,060

03/07/2008

Engbert Hermannes Pakkert

207,433

2028

38137 7590 09/30/2010
ABELMAN, FRAYNE & SCHWAB
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EXAMINER

BAINBRIDGE, ANDREW PHILIP

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

09/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,060	Applicant(s) PAKKERT ET AL.	
	Examiner ANDREW BAINBRIDGE	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 4, 12, 13 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/7/2008, 9/1/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification/Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a **single paragraph on a separate sheet** within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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4. **Claim 1-3, 5-6, 8, 10-11, 14-17 and 19 are rejected under 35 U.S.C. 103(a)** as being unpatentable over US 5,129,552 (Painchaud et al.) in view of US 4,204,613 (Terzian et al.).

5. Painchaud in figures 1-4 discloses a beer keg 14 with the standard issue check valve 22 that once opened fluidly connects to a beer line 83, 68 that rises and then enters a chamber 62 for cooling that has the beer line 64 coil around in order to provide enough time for the drawn beer to poured cool from a tap 76, 78. Painchaud does not teach that the cooling device is a flat serpentine shaped beer line that has two big pieces that "clamshell" the beer line through a cooling zone, with flanges and clamping means to hold it together, or alternatively, by hinges. Terzian in figures 1-12 teaches a flat rectangular cooling line 104 with an upper and lower flat panel 96, 98 that are clamped together by an interference fit 100, 118, 120, 122 (see figure 9) that are designed to be separable in order to be easily cleaned (col. 4, lines 25-45). Although neither Painchaud nor Terzian use hinges, it would be obvious to one of ordinary skill in the art to attach the upper and lower panels together by hinges because hinges are an option as an obvious design choice that designers consider whenever two parts are intended to be selectively attached.

6. **Claim 7 and 18 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Painchaud in view of Terzian as applied in claims 1 and 2 respectively, and further in view of US 2004/0226967 (Van Der Klaauw et. al.).

7. Painchaud in view of Terzian as applied in claims 1 and 2 respectively has all of the elements of claims 7 and 18 except for the line section has a gripping means near

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the outflow side. Van Der Klaauw has a dispensing line 101-107 with a gripping means 104 that is located near the outflow section of the beer tap 92-93. It would be obvious to one of ordinary skill in the art to adapt the gripping means of Van Der Klaauw to the Painchaud-Terzian combination because the gripping means would make it that much easier to withdraw the beer line for cleaning.

8. **Claim 9 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Painchaud in view of Terzian as applied in claim 8, and further in view of US 735,295 (H.C. Price).

9. Painchaud in view of Terzian as applied in claim 8 has all of the elements of claim 9 except for the cooling member having a series of loops that extend transversely to the longitudinal direction. Price in figures 1-3 teaches a fluid line that has a series of loops E that are arranged to cool the fluid prior to dispensation. It would be obvious to one of ordinary skill in the art to substitute the coiled loop system of Price for the serpentine arrangement of the Painchaud-Terzian combination because a looped system requires less insulation than a serpentine arrangement usually.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW BAINBRIDGE whose telephone number is (571)270-3767. The examiner can normally be reached on Monday - Friday 9 AM to 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./
Examiner, Art Unit

/Kevin P. Shaver/
Supervisory Patent Examiner, Art
Unit 3754